



Judiciary II - Criminal Law Committee

Filed: 3/13/2008

09500HB4214ham001

LRB095 14409 RLC 46117 a

1 AMENDMENT TO HOUSE BILL 4214

2 AMENDMENT NO. _____. Amend House Bill 4214 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 11-9.4 as follows:

6 (720 ILCS 5/11-9.4)

7 (Text of Section after amendment by P.A. 95-640)

8 Sec. 11-9.4. Approaching, contacting, residing, or
9 communicating with a child within certain places by child sex
10 offenders prohibited.

11 (a) It is unlawful for a child sex offender to knowingly be
12 present in any public park building or on real property
13 comprising any public park when persons under the age of 18 are
14 present in the building or on the grounds and to approach,
15 contact, or communicate with a child under 18 years of age,
16 unless the offender is a parent or guardian of a person under

1 18 years of age present in the building or on the grounds.

2 (b) It is unlawful for a child sex offender to knowingly
3 loiter on a public way within 500 feet of a public park
4 building or real property comprising any public park while
5 persons under the age of 18 are present in the building or on
6 the grounds and to approach, contact, or communicate with a
7 child under 18 years of age, unless the offender is a parent or
8 guardian of a person under 18 years of age present in the
9 building or on the grounds.

10 (b-5) It is unlawful for a child sex offender to knowingly
11 reside within 500 feet of a playground, child care institution,
12 day care center, part day child care facility, or a facility
13 providing programs or services exclusively directed toward
14 persons under 18 years of age. Nothing in this subsection (b-5)
15 prohibits a child sex offender from residing within 500 feet of
16 a playground or a facility providing programs or services
17 exclusively directed toward persons under 18 years of age if
18 the property is owned by the child sex offender and was
19 purchased before the effective date of this amendatory Act of
20 the 91st General Assembly. Nothing in this subsection (b-5)
21 prohibits a child sex offender from residing within 500 feet of
22 a child care institution, day care center, or part day child
23 care facility if the property is owned by the child sex
24 offender and was purchased before the effective date of this
25 amendatory Act of the 94th General Assembly.

26 (b-6) It is unlawful for a child sex offender to knowingly

1 reside within 500 feet of the victim of the sex offense.
2 Nothing in this subsection (b-6) prohibits a child sex offender
3 from residing within 500 feet of the victim if the property in
4 which the child sex offender resides is owned by the child sex
5 offender and was purchased before the effective date of this
6 amendatory Act of the 92nd General Assembly.

7 This subsection (b-6) does not apply if the victim of the
8 sex offense is 21 years of age or older.

9 (c) It is unlawful for a child sex offender to knowingly
10 operate, manage, be employed by, volunteer at, be associated
11 with, or knowingly be present at any: (i) facility providing
12 programs or services exclusively directed towards persons
13 under the age of 18; (ii) day care center; (iii) part day child
14 care facility; (iv) child care institution, or (v) school
15 providing before and after school programs for children under
16 18 years of age. This does not prohibit a child sex offender
17 from owning the real property upon which the programs or
18 services are offered or upon which the day care center, part
19 day child care facility, child care institution, or school
20 providing before and after school programs for children under
21 18 years of age is located, provided the child sex offender
22 refrains from being present on the premises for the hours
23 during which: (1) the programs or services are being offered or
24 (2) the day care center, part day child care facility, child
25 care institution, or school providing before and after school
26 programs for children under 18 years of age is operated.

1 (c-5) It is unlawful for a child sex offender to knowingly
2 operate, manage, be employed by, or be associated with any
3 county fair when persons under the age of 18 are present.

4 (c-6) It is unlawful for a child sex offender to knowingly
5 deliver any goods or items to a home or residence as a home
6 delivery agent. Nothing in this subsection (c-6) shall be
7 construed to prohibit a child sex offender from being employed
8 by a home delivery agency if that employment does not include
9 home delivery of such goods or services.

10 (d) Definitions. In this Section:

11 (1) "Child sex offender" means any person who:

12 (i) has been charged under Illinois law, or any
13 substantially similar federal law or law of another
14 state, with a sex offense set forth in paragraph (2) of
15 this subsection (d) or the attempt to commit an
16 included sex offense, and:

17 (A) is convicted of such offense or an attempt
18 to commit such offense; or

19 (B) is found not guilty by reason of insanity
20 of such offense or an attempt to commit such
21 offense; or

22 (C) is found not guilty by reason of insanity
23 pursuant to subsection (c) of Section 104-25 of the
24 Code of Criminal Procedure of 1963 of such offense
25 or an attempt to commit such offense; or

26 (D) is the subject of a finding not resulting

1 in an acquittal at a hearing conducted pursuant to
2 subsection (a) of Section 104-25 of the Code of
3 Criminal Procedure of 1963 for the alleged
4 commission or attempted commission of such
5 offense; or

6 (E) is found not guilty by reason of insanity
7 following a hearing conducted pursuant to a
8 federal law or the law of another state
9 substantially similar to subsection (c) of Section
10 104-25 of the Code of Criminal Procedure of 1963 of
11 such offense or of the attempted commission of such
12 offense; or

13 (F) is the subject of a finding not resulting
14 in an acquittal at a hearing conducted pursuant to
15 a federal law or the law of another state
16 substantially similar to subsection (a) of Section
17 104-25 of the Code of Criminal Procedure of 1963
18 for the alleged violation or attempted commission
19 of such offense; or

20 (ii) is certified as a sexually dangerous person
21 pursuant to the Illinois Sexually Dangerous Persons
22 Act, or any substantially similar federal law or the
23 law of another state, when any conduct giving rise to
24 such certification is committed or attempted against a
25 person less than 18 years of age; or

26 (iii) is subject to the provisions of Section 2 of

1 the Interstate Agreements on Sexually Dangerous
2 Persons Act.

3 Convictions that result from or are connected with the
4 same act, or result from offenses committed at the same
5 time, shall be counted for the purpose of this Section as
6 one conviction. Any conviction set aside pursuant to law is
7 not a conviction for purposes of this Section.

8 (2) Except as otherwise provided in paragraph (2.5),
9 "sex offense" means:

10 (i) A violation of any of the following Sections of
11 the Criminal Code of 1961: 10-7 (aiding and abetting
12 child abduction under Section 10-5(b)(10)),
13 10-5(b)(10) (child luring), 11-6 (indecent
14 solicitation of a child), 11-6.5 (indecent
15 solicitation of an adult), 11-9 (public indecency when
16 committed in a school, on the real property comprising
17 a school, on a conveyance owned, leased, or contracted
18 by a school to transport students to or from school or
19 a school related activity, or in a public park), 11-9.1
20 (sexual exploitation of a child), 11-15.1 (soliciting
21 for a juvenile prostitute), 11-17.1 (keeping a place of
22 juvenile prostitution), 11-18.1 (patronizing a
23 juvenile prostitute), 11-19.1 (juvenile pimping),
24 11-19.2 (exploitation of a child), 11-20.1 (child
25 pornography), 11-20.3 (aggravated child pornography),
26 11-21 (harmful material), 12-14.1 (predatory criminal

1 sexual assault of a child), 12-33 (ritualized abuse of
2 a child), 11-20 (obscenity) (when that offense was
3 committed in any school, on real property comprising
4 any school, on any conveyance owned, leased, or
5 contracted by a school to transport students to or from
6 school or a school related activity, or in a public
7 park). An attempt to commit any of these offenses.

8 (ii) A violation of any of the following Sections
9 of the Criminal Code of 1961, when the victim is a
10 person under 18 years of age: 12-13 (criminal sexual
11 assault), 12-14 (aggravated criminal sexual assault),
12 12-15 (criminal sexual abuse), 12-16 (aggravated
13 criminal sexual abuse). An attempt to commit any of
14 these offenses.

15 (iii) A violation of any of the following Sections
16 of the Criminal Code of 1961, when the victim is a
17 person under 18 years of age and the defendant is not a
18 parent of the victim:

- 19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (iv) A violation of any former law of this State
25 substantially equivalent to any offense listed in
26 clause (2) (i) of this subsection (d).

1 (2.5) For the purposes of subsection (b-5) only, a sex
2 offense means:

3 (i) A violation of any of the following Sections of
4 the Criminal Code of 1961:

5 10-5(b)(10) (child luring), 10-7 (aiding and
6 abetting child abduction under Section
7 10-5(b)(10)), 11-6 (indecent solicitation of a
8 child), 11-6.5 (indecent solicitation of an
9 adult), 11-15.1 (soliciting for a juvenile
10 prostitute), 11-17.1 (keeping a place of juvenile
11 prostitution), 11-18.1 (patronizing a juvenile
12 prostitute), 11-19.1 (juvenile pimping), 11-19.2
13 (exploitation of a child), 11-20.1 (child
14 pornography), 11-20.3 (aggravated child
15 pornography), 12-14.1 (predatory criminal sexual
16 assault of a child), or 12-33 (ritualized abuse of
17 a child). An attempt to commit any of these
18 offenses.

19 (ii) A violation of any of the following Sections
20 of the Criminal Code of 1961, when the victim is a
21 person under 18 years of age: 12-13 (criminal sexual
22 assault), 12-14 (aggravated criminal sexual assault),
23 12-16 (aggravated criminal sexual abuse), and
24 subsection (a) of Section 12-15 (criminal sexual
25 abuse). An attempt to commit any of these offenses.

26 (iii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a
2 person under 18 years of age and the defendant is not a
3 parent of the victim:

4 10-1 (kidnapping),

5 10-2 (aggravated kidnapping),

6 10-3 (unlawful restraint),

7 10-3.1 (aggravated unlawful restraint).

8 An attempt to commit any of these offenses.

9 (iv) A violation of any former law of this State
10 substantially equivalent to any offense listed in this
11 paragraph (2.5) of this subsection.

12 (3) A conviction for an offense of federal law or the
13 law of another state that is substantially equivalent to
14 any offense listed in paragraph (2) of this subsection (d)
15 shall constitute a conviction for the purpose of this
16 Section. A finding or adjudication as a sexually dangerous
17 person under any federal law or law of another state that
18 is substantially equivalent to the Sexually Dangerous
19 Persons Act shall constitute an adjudication for the
20 purposes of this Section.

21 (4) "Public park" includes a park, forest preserve, or
22 conservation area under the jurisdiction of the State or a
23 unit of local government.

24 (5) "Facility providing programs or services directed
25 towards persons under the age of 18" means any facility
26 providing programs or services exclusively directed

1 towards persons under the age of 18.

2 (6) "Loiter" means:

3 (i) Standing, sitting idly, whether or not the
4 person is in a vehicle or remaining in or around public
5 park property.

6 (ii) Standing, sitting idly, whether or not the
7 person is in a vehicle or remaining in or around public
8 park property, for the purpose of committing or
9 attempting to commit a sex offense.

10 (7) "Playground" means a piece of land owned or
11 controlled by a unit of local government that is designated
12 by the unit of local government for use solely or primarily
13 for children's recreation.

14 (8) "Child care institution" has the meaning ascribed
15 to it in Section 2.06 of the Child Care Act of 1969.

16 (9) "Day care center" has the meaning ascribed to it in
17 Section 2.09 of the Child Care Act of 1969.

18 (10) "Part day child care facility" has the meaning
19 ascribed to it in Section 2.10 of the Child Care Act of
20 1969.

21 (e) Sentence. A person who violates this Section is guilty
22 of a Class 4 felony.

23 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
24 eff. 6-1-08; revised 10-30-07.)".